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09/812,163	03/19/2001	Keiji Yuzawa	SONYJP 3.0-147	9368
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Law Offices LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1497			CHANG, JUNGWON	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEIJI YUZAWA

Appeal 2009-006023
Application 09/812,163
Technology Center 2400

Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT, and
CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 25-44. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant's claimed invention is an information processing method where information items can be displayed in an optimum order and information can be deleted or stored in a storage device in an optimum order.

Independent claim 25 reproduced below, is representative of the subject matter on appeal.

25. A method of transmitting items containing content information to a user terminal and reproducing a selected one of said transmitted items at a time selected by a user of said user terminal, comprising:

providing a user terminal;

transmitting information items to said user terminal, at least some of said transmitted items containing content information including at least one of moving images or audio sound;

at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items;

selecting some of said received items containing content information on the basis of information representing said access priorities;

selectively storing said selected items in said user terminal;

arranging said stored items of information in an order according to said access priorities; and

at a user-selected time after storing said selected items, user selecting one of said stored items and causing said at least one of moving images or audio sound to be reproduced from said user-selected item.

REFERENCES

Bedard	US 5,801,747	Sep. 1, 1998
Alexander	US 6,177,931 B1	Jan. 23, 2001
Inoue	US 6,185,360 B1	Feb. 6, 2001

The Examiner rejected claims 25-44 under 35 U.S.C. § 103(a) based upon the teachings of Bedard, Alexander, and Inoue.

Appellant contends Bedard fails to teach or suggest selecting content information-containing items based on access priorities, selectively storing the selected content information in a user terminal, arranging the stored items in an order according to access priorities and, at a user-selected time after storing the selected items, causing the items to be reproduced (App. Br. 9); Reply Br.).² Appellant also contends Bedard is directed to downloaded electronic program guide (EPG) information that monitors a viewer's viewing activities and configures an EPG display in accordance with the viewer's viewing preferences (Reply Br. 4). Appellant further asserts one of ordinary skill in the art "would not consider a reference that relates to tailoring a downloaded *data table* of television program *listings* to disclose or suggest steps relating to transmitted items containing content information *including at least one of moving images or audio sound*" (Reply Br. 5). Thus, Bedard does not teach or suggest receiving, at the user terminal, transmitted items containing content information and arranging the stored information in an order according to access priorities (Reply Br. 6) because Bedard is not concerned with items containing content information, it is directed merely to listings in an EPG (Reply 4).

² The Amended Appeal Brief filed April 7, 2008, is referred to throughout this opinion.

The Examiner affirms Bedard does not specifically teach a user selecting stored items and causing the reproduction of at least one of moving images or audio from the user-selected items at a user selected time. The Examiner then states it would be obvious to modify Bedard with Alexander to teach this feature. (Ans. 14) The Examiner also relies on Inoue to teach a user selecting one of the stored items (Ans. 6). However, the Examiner has not stated how, as Appellant contends (App. Br. 9; Reply Br. 5), to tailor a system that merely downloads listings in an EPG to transmit items containing content information including moving images or audio. The Examiner has merely stated that it would be obvious to combine Bedard with Alexander and Inoue, without stating how this combination could be achieved (Ans. 14, 15). Thus, we find the Examiner erred in rejecting claims 25-44 under 35 U.S.C. § 103.

DECISION

The Examiner's decision rejecting claims 25-44 is reversed.

REVERSED

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